

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

31.

OA 3361/2025 with MA 4963/2025

Hav (Retd) Ramesh A Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. BP Vaishnav, Advocate
For Respondents : Mr. R.S. Chillar, Advocate
Mr. Pankaj Singh, Sr. Auditor, PCDA(P)

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
16.10.2025

The applicant vide the present OA has made the following prayers:-

*“(a) To set aside the impugned reply of Record Officer, Signals Record (herein respondent No.3) issued vide 5322/DP-1/NER/Sparsh dated 08.08.2025, where request for restoration of invalid pension of the applicant was rejected;
(b) Give direction to respondents to immediately stopped the alleged illegal recovery carried out by the respondents from the pension of the applicant.
(c) To give direction to respondent to grant Invalid Pension (100%) to the applicant since the day of retirement i.e. 01.09.2024.
(d) Any other relief which the Hon'ble Tribunal deems fit.”*

2. Along with the same is an application MA 4963/2025 seeking grant of interim relief to the effect:-

“In view of the above facts, it is humbly prayed that, this Hon'ble Tribunal may please to grant interim relief by issuing direction to respondents to immediately stopped the alleged illegal recovery

carried out by the respondents from the pension of the applicant in the interest of justice.”

3. On the record at Page-15 is the impugned reply of the respondents dated 08.08.2025 stating therein to the effect:-

“1. Please refer veteran CPGRAM No DOPPW/E/2025/0004532 dated 27 Jul 2025.

2. It is intimated that after due examination of the above indl's case in consultation with the competent medical authority and in accordance with relevant rules and the existing medical provisions, it has been ascertained that, he is not entitled to Disability Pension/Element Ampairment Relief for his disability in terms of Para 4 (i) of Entitlement Rules of Casualty Pensionary Awards to the Armed Forces-2023, since his disability is found less than 20%.

3. If you are not satisfied with the decision of competent authority, you may prefer an appeal against cause of rejection of Disability Pension on "The Chairman Appellate Committee for First Appeal, AG's Branch, Integrated HQ of MoD (Army), Room No 527, Fifth Floor, Tower A. Defence Office Complex Kasturba Gandhi Marg. New Delhi-110001" through his Record Office immediately.

4. For information please.”

4. Apparently, the applicant has not preferred the appeal as stated therein. Counsel for the applicant submits that the reason for the same is the factum of an ongoing recovery being made as indicated vide the pension slip for May, 2025 showing an ongoing recovery in relation to a stated overpayment of a sum of Rs. 2,71,623/-.

5. It is thus directed in the interest of justice that any further recovery qua the amount of Rs. 2,71,623/- stated to have been overpaid by the respondents to the applicant is stayed which directions for stay are directed to operate till the present OA which is directed to be treated as the first appeal by the

respondents is disposed of within a period of three months from the date of receipt of this order.

Copy of this order be given *DASTI*

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

TS